

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission On Its Own Motion)	
)	
Investigation Concerning Illinois Bell Telephone)	Docket No. 01-0662
Company's compliance with Section 271 of the)	
Telecommunications Act of 1996)	

SBC ILLINOIS' OPPOSITION TO JOINT CLECS' EMERGENCY MOTION

Illinois Bell Telephone Company ("SBC Illinois" or the "Company"), by its attorneys, hereby submits its Opposition to the Joint CLECs' Emergency Motion for Suspension of the Schedule, or, in the Alternative, For Additional Time For Filing Exceptions ("Joint Motion").

1. The CLECs have requested that the April 18, 2003, due date for Exceptions to the Administrative Law Judge's Proposed Final Order on Investigation be suspended or, in the alternative, that the parties be granted an additional ten days (until May 1) to file Exceptions. In support of the Joint Motion, the CLECs point out that SBC Michigan has voluntarily withdrawn its section 271 application at the FCC (WC Docket No. 03-16). The CLECs acknowledge that SBC's press releases have stated that SBC Michigan intends to refile within 30 days. Based on these facts, the Joint Motion simply asserts that "there is no longer any legitimate reason to operate under the extremely compressed timeframes imposed in Phase II of this proceeding." (Joint Motion at 2).

2. The CLECs are incorrect and the schedule in this proceeding should not be changed. SBC Illinois does not expect that the withdrawal of SBC Michigan's Section 271 application will impact timetables in Illinois. The Michigan application was withdrawn on limited procedural grounds. FCC Chairman Powell has issued a statement, in which he states that SBC Michigan's application "generally met" the requirements of Section 271, that the

outstanding issues were “very narrow,” and that they principally related to billing. This billing issue relates to a one-time UNE-P CABS reconciliation project that took place in January 2003. This reconciliation took place shortly after the Michigan application was filed; the information subsequently supplied by SBC Michigan in ex partes, including the results of this reconciliation, raised concerns with respect to the FCC’s “complete as filed” procedural rule. However, as Chairman Powell recognized in his statement, SBC Michigan should be able to resolve any outstanding issues “expeditiously.” A copy of Chairman Powell’s statement is attached, as well as a press release from the Michigan Public Service Commission (“MPSC”).

3. The UNE-P CABS reconciliation issue should not impact the schedule in this proceeding. This reconciliation was a one-time event, it is now complete, and it has nothing to do with the ability of the CABS billing system to accurately and timely bill CLECs for the UNE-P. Rather, the reconciliation was undertaken to ensure that UNE-P billing records in CABS matched the UNE-P provisioning records in ACIS for certain circuits that had been delayed or failed to post in CABS as a result of the conversion. In contrast, CABS UNE-P billing was tested by BearingPoint in Illinois after the October 2001 conversion from RBS to CABS, and SBC Illinois passed. BearingPoint filed its report with the Illinois Commission on December 20, 2002. The billing test included both a Bill Production and Distribution Process Evaluation (PPR13) conducted from April 2001 – November 22, 2002, and a Functional Carrier Bill Evaluation (TVV9) conducted from September 2001 – November 22, 2002. Significantly, BearingPoint concluded that UNE-P service orders are posted to the CABS billing system in a timely manner, and that CABS produces accurate and timely UNE-P bills. In its process and procedures review, BearingPoint concluded in PPR 13-6 that “the bill production process includes procedures to capture and apply service order activity properly.” Specifically, “UNE-P

service orders are updated to the CABS Master File in the CABS billing system from the Customer Records Database in ACIS.” In its transaction verification and validation test, Bearing Point concluded in TVV 9-32 that “UNE-P bills reflected timely service order activity.” (BearingPoint Illinois OSS Evaluation Project Report, December 20, 2002, at 477, 787).

4. The details and need for this reconciliation were fully disclosed to the CLECs (and Staff) through calls, business-to-business discussions, and accessible letters. Notably, the CLECs did not raise the CABS reconciliation billing issues in their Phase II affidavits in this proceeding, notwithstanding the fact that they were fully aware of them.¹ Therefore, the FCC’s CABS billing concerns do not impact any issues pending in this proceeding. There are no new facts or issues that need to be addressed here.

5. Contrary to the CLECs’ apparent assumptions, the withdrawal and refile of the SBC Michigan Section 271 application is not expected to impact the FCC filing schedule for SBC Illinois’ Section 271 application. Because the FCC’s concerns are narrow, it is currently SBC Illinois’ intention to proceed with a mid-May filing of its application with the FCC. Any additional information on the CABS reconciliation process submitted with the refiled SBC Michigan section 271 application will be performed on a five-state basis and will resolve the FCC’s concerns once and for all for the entire region.

6. In short, there is no basis for suspending the schedule in this proceeding or extending it in any way.² The time has come to bring full telecommunications competition and its undisputed benefits to Illinois businesses and consumers. CLECs are offering and actively

¹ For example, AT&T’s and WorldCom’s Illinois affidavits regarding billing largely tracked affidavits they filed virtually contemporaneously with the FCC, and in many instances were a “cut and paste” effort. However, they did not include the CABS reconciliation project – an issue which they raised only at the FCC.

² The Joint CLECs note that the due date for filing exceptions is Good Friday and fall at Passover as well. (Joint Motion at 3, fn. 3). This schedule was established by the Commission after extended debates between the parties. No party objected to the April 18 due date at that time. The dates for Good Friday and Passover have not changed in the interim.

promoting “one stop” calling plans that bundle local, toll, and long-distance service. SBC Illinois seeks the opportunity to do the same. SBC Illinois is confident that, in the very near term, Illinois consumers will see the benefits of even more robust competition for both local and long distance services. Every day of delay is another day Illinois businesses and consumers pay more for long distance service than they should, and another day that they are deprived of competitive choices they should otherwise enjoy.

WHEREFORE, in view of the foregoing, the Joint CLECs’ Emergency Motion for Suspension of the Schedule, or, in the Alternative, For Additional Time For Filing Exceptions should be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Louise A. Sunderland, an attorney, certify that a copy of the foregoing **MOTION** was served on the following parties by regular U.S. Mail and electronic transmission on April 17, 2003.

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